



## Silver Hill Design Guidelines Task Force Meeting

April 3, 2007

### Meeting Attendance:

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### Meeting Notes:

#### **Project Timeline & Task Force Roles**

Ed Boles from the City of Albuquerque reiterated that the City recognizes the need to slow down this process and develop a more common understanding of the project goals. The process will be extended beyond the original deadline of May 6, which is when the moratorium expires. The task force will continue to give input to the consulting team and act as a steering committee to guide the team, which is charged with developing the draft amendment. After the draft amendment is presented to the task force and the public for comment, it will go through at least 2 hearings at the planning commission, 3 hearings at the Land Use, Planning and Zoning Commission, and will be presented to the City Council. Throughout this process, there will be additional opportunities for public comment. Mr. Boles handed out the three premises of the task force to members who were not present at the last meeting. The three premises are:

- Silver Hill policies adopted in the University Neighborhoods Sector Development Plan in 1986 have not adequately protected the Silver Hill Historic District in at least one recent project.
- It would be irresponsible for the City not to seek ways to protect the residential and historic character of Silver Hill, in light of the current infill development trend in this and other central Albuquerque neighborhoods.
- The University Neighborhoods Sector Development Plan is the best vehicle for new or amended policies to protect the character of Silver Hill's residential area and historic district.

A question was raised about the right to attend the meeting if one opposes the process to develop design guidelines. Phyllis Taylor explained that everyone is welcome to attend the meeting as long as they are willing to participate in the process as it moves forward.

### **Discussion of Architectural Form**

The task force discussed the three features of Architectural Form:

- Building Height
- Roofline
- Scale

For each item, the task force considered all of the public comments that have been received and their personal opinions as neighborhood stakeholders. Considering all viewpoints, the taskforce discussed the appropriateness of regulating the item. If they felt the item should be regulated, they discussed the effectiveness of current regulations and aspects of amended or new regulations. The consulting team will use this feedback to identify items that need to be researched further and develop a proposal of amended and new regulations.

### **1. Building Height**

Currently, a height of 26 feet is allowed throughout the study area, which applies to both single family and apartment buildings. Measurement goes to the mid-height of a pitched roof or the top of a parapet for a flat roof. Most of the existing single family homes in Silver Hill are 12-16 feet high.

For the Silver Avenue Residential Design Enhancement Area, there is an additional regulation that the front 10 feet behind the front yard setback is limited to 18 feet high. This regulation was probably created to preserve the façades of houses.

In addition to the current regulations, there are also voluntary guidelines that apply to the Silver Avenue Residential Design Enhancement Area for buildings over 26 feet. Because buildings should not be allowed over 26 feet, this guideline is confusing.

A task force member pointed out that in order to preserve the rhythm of the buildings, it may be appropriate to limit the height to 18 feet in the 10 feet behind the existing façade, rather than the front yard setback.

The public comments on this topic reflect an interest in solar access, which is not addressed in current regulations. It is possible to establish solar rights with the City through the

Zoning Hearing Examiner, which requires installation of solar equipment within a certain time frame. The question was raised about homeowners who can not afford to buy solar equipment now. Will they loose (lose) their rights if they don't claim them? It was generally agreed that homeowners and residents have the right to maintain their access to sunlight even if they haven't gone to the Zoning Hearing Examiner.

Nob Hill recently completed a sector plan update and addressed this issue. They may serve as an example for Silver Hill. Phyllis Taylor explained that there are currently City-wide regulations on height of buildings for parcels platted after 1981. In Nob Hill, they took this language and also applied to parcels platted before 1981, which effectively requires additions on current structures to take into account solar access.

It was pointed out that for the same environmental reasons people want solar access, they may also want to build 2<sup>nd</sup> story additions on their homes. The task force does not want to prohibit the ability to build up.

## **2. Roofline**

There is currently no regulation of rooflines except for height restrictions. The only way to regulate rooflines is through an overlay zone. This feature is more difficult to regulate than some of the previous ones the task force has discussed. The task force can't expect someone at the front desk of the Zoning office to enforce this. It will need Landmarks and Urban Conservation Commission (or Planning Department staff) review, depending on the type of overlay.

The task force had several comments about roofline, including:

- One way to think about the need for roofline regulations is to consider what isn't there now and what is possible.
- What if Bart Prince built a house – would the neighborhood be ok with that?
- What do we fear will happen if we don't regulate rooflines? What are we regulating against?
- Rather than thinking of this in terms of what we fear, I think of this as a proactive approach.
- What can we do to protect the character of the neighborhood? The *whole* neighborhood has character.
- It is a big undertaking to change the roofline. Is it unreasonable to ask that it not contrast greatly?
- How can we regulate against contrasting greatly? We already have a lot of diversity.
- Is it possible to create a framework or vocabulary of rooflines that people would need to work within rather than specifying which rooflines are required?

Ed Boles pointed out that while it is probably unlikely that Bart Prince will build a house in the neighborhood, the task force should consider that most multi-family residential infill in the City is taking the form of the unadorned box. It is generally 2-story with a flat roof.

One of the taskforce members requested information about why other historic districts in the City and country have regulated this feature. Ed Boles responded that roofline regulations are common in historic districts throughout the country and usually require a

design review process. Historic districts generally have an identifiable range of historic roof styles, which help define the character of the district. Rooflines are regulated because they contribute to the character of historic districts. Ed Boles pointed out that there needs to be a public purpose behind any regulation, for example protecting historic character. There needs to be an established historic character to protect, or other well-defined character. (For instance, the UCO Urban Conservation Overlay Zone is defined in terms of distinctive characteristics that are worthy of conservation but which lack sufficient historical, architectural, or cultural significance to qualify as historic areas).

### **3. Scale**

Regulations on building scale try to address concerns in neighborhoods when a building is torn down and there is new construction. A regulation on scale would limit the new construction's ability to overwhelm the existing fabric. The SU-2/ Diverse Residential Zone has more potential for new construction that is out of scale than the SU-2 Single Family Zone on Silver Avenue, but the potential exists in both areas.

The task force asked for an expert opinion on this topic and would like the consulting team to come back with examples and proposals of ways to regulate scale. The taskforce expressed a preference to address scale neighborhood wide rather than focusing on just one area.

It was pointed out that scale and architectural design seem to go together. However, any guidelines developed from this process obviously can't regulate good design. Regulating scale is one way to address some of the potential negative effects of new construction.

### **Discussion of Architectural Features**

The task force moved on to discuss the 5 Architectural Features items.

- Architectural Style
- Architectural Details
- Front Porches
- Façades
- Building Materials

These items are harder to quantify than previous features discussed. One can't expect that these items can be enforced at the applications desk of the Planning Department. To enforce these items will likely require an overlay zone.

After briefly discussing architectural style, Phyllis Taylor asked the taskforce to combine the rest of the architectural features into one discussion rather than treating each feature individually. There seemed to be a lot of resistance to regulating architectural features from the task force's discussion and from the public comments. People generally seem to be receptive to the larger scale items, such as demolition or scale, but as the features become more specific, resistance increases. Taking into account the discussion and public comments, the consulting team will look for ways to protect what's important while addressing concerns about the level of control.

*Taskforce Comments on Architectural Features*

Comments from the task force about architectural features included:

- While people may agree to some extent that the contributing structures in the historic district should not be violated, regulating architectural style doesn't seem to be the will of the community as surveyed so far. The community is pro-diversity.
- We would like something to protect historic buildings and diversity but not discourage rehabilitation
- What *is* the historic character of the neighborhood? There are identifiable architectural styles, but historically we have also had diversity.
- How can we preserve the Tingley house?
- I don't want to say that the Tingley house is the pinnacle. We need to consider the other houses in the neighborhood as well, which are very significant architecturally.
- I am concerned about creating regulations that affect current property owners. If a new buyer knows what restrictions will be in place, that's another story, but current owners should be grandfathered in.
- Front porches add a value to the neighborhood and contribute to neighborhood character. Are people open to regulating them?
- I don't think we should regulate porches or the façades of people's homes.
- The public comments table seems to indicate a 10 to 3 vote against regulating this feature. Some people felt uncomfortable with framing it like this as a vote against something.
- This is an overly simplistic discussion of the issue. Need to look at larger context. The people in this room care about their houses and this neighborhood. That's why we're here. Residential ownership is only 10% in the neighborhood. New regulations are not geared toward people who are already invested in the neighborhood. We need to think about the absentee landlords. There will need to be compromise on both ends.
- Is there a legal mechanism for property owners to individually sign on to have higher protection for their property?
- If we impose strict regulations, it will likely be more expensive to make repairs/rehabilitate/etc. Absentee landlords or those who are not invested in the neighborhood may be more inclined to let their property deteriorate if they can't afford to make repairs.
- I think any regulations in this area should focus on the big apartment buildings and leave single family homes alone to be creative
- While some houses are worth preserving, some owners of historic properties don't want to be regulated
- I would like to look at how other neighborhoods reached consensus. How did they do it? I would like to see examples.

#### *Project Team Suggestions*

The consulting team pointed out some potential solutions to the problems/concerns identified in the taskforce's discussion:

- Because architectural features are something that would need to be regulated through an overlay zone, it may be possible to find concentrated groups of property owners who want to sign on for architectural regulations. It may be possible to do an Urban Conservation Overlay Zone block by block where there is support.
- Deed restrictions are a way for property owners to create individual regulations for a specific property

- If the neighborhood wants to protect the Tingley House, they can recommend its designation as a City Landmark in the plan amendment
- Because there is resistance to this level of regulation, it might be more appropriate to frame this as voluntary guidelines and work on educating people about how they can preserve their properties.

### *New Construction*

There was general agreement that existing structures need to be treated differently than new construction. There is some concern that new construction has the potential to be incompatible with the existing fabric. There are some buildings in the neighborhood that are visibly deteriorating, and if they are torn down, there should be some focus on what the new construction will look like. There was a general agreement that the consulting team should develop some proposals for new construction neighborhood- wide identifying what is important and what should be avoided, especially for large scale projects.

### *Clarification on Implications of Historic Districts and State Register Properties*

Edie Cherry explained to the group that listing a property on the federal or state register of historic places imposes no regulations on private property owners. Private property owners are free to alter their property within the confines of local laws and regulations. In the State of New Mexico, listing a property individually on the state register or as a contributing structure in an historic district qualifies property owners for tax credits for rehabilitation to their historic property. The rehabilitation needs to be compatible with the historic character and meet the Secretary of the Interior's Standards for Rehabilitation (as interpreted and applied by the State Cultural Properties Review Committee).

### *Politics of this Process*

There was some discussion about the politics involved with this process. Some were concerned that the neighborhood politics will discourage the neighborhood from taking into account the expertise of the planning team. One of the task force members pointed out that property owners also have informed opinions and should have as much say in this process as an architect.

### **Next Steps**

The consulting team will put together a draft proposal of design guidelines specific to the Silver Hill neighborhood. For the features where the task force did not have general agreement, the team will provide some options to discuss. This will take a month to 6 weeks. Sites Southwest will email the draft proposal to the taskforce prior to the meeting for review. The next task force meeting will involve talking through this draft proposal. Phyllis Taylor suggested also communicating by email about some of the features that have general agreement so that the task force will have extra time at the next meeting to discuss the more contentious topics.

Ed Boles suggested sending the draft proposal to everyone on the email list for comment before the public meeting.

Something to consider for the future is updating the University Neighborhoods History Handbook.

